

# Emerging Issues In Stormwater and Drainage Law

Shawn Hagerty  
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# Outline of Issues

- Trends in MS4 Permits
- New Construction Permit
- Drainage Law Basics
- Emerging Issues
  - LID and Legal Obstacles to LID
  - Run-on and Drainage Issues
  - Stormwater Monitoring
  - BMP Tracking and Maintenance
  - What is the MS4?



# Trends in MS4 Permits

- LID and EIA
- Numerics: NALs and NELs
- BMP Tracking and Maintenance
- TMDLs/Watershed Approach
- Dry Weather Flows
- Hydromodification Management

# The New Construction Permit

- Risk Based Approach
- NALs and NELs
- Post-Construction Requirements
- Run-on Control
- SWMPP Requirements



# Drainage Law Basics

- Acceptance of Surface Water Flows
- Reasonableness/No Concentration
  - Increased Imperviousness
- Diversion of Drainage

# LID and Legal Obstacles to LID

- What Is It?
- What Constraints?
  - Land Use and Planning
  - Health and Safety
  - Water Rights
  - Maintenance and Monitoring
  - CC&Rs



# Run-on and Drainage Law

- Drainage Law
  - Acceptance of Surface Water Flows from Upper Parcel
- Control of Run-on

# Stormwater Monitoring

- Permit Compliance
- Relationship to Enforcement
- Standards for Testing
- Extra Monitoring



# BMP Tracking and Maintenance


- Inventory Requirements
- WQMPs
- Maintenance and Liability

# What is the MS4?

- MS4 or Waters of the U.S.?
- MS4 on Private Property?



# Questions



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1



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4

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5

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6



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8

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9



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10

# Questions

- Click to add an outline

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11